

AMENDED IN SENATE JULY 1, 1996
AMENDED IN SENATE JUNE 24, 1996
AMENDED IN SENATE SEPTEMBER 12, 1995
AMENDED IN SENATE JULY 12, 1995
AMENDED IN SENATE JULY 3, 1995
AMENDED IN ASSEMBLY MAY 16, 1995
AMENDED IN ASSEMBLY MARCH 28, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 317

Introduced by Assembly Member Granlund
(Coauthor: Senator ~~Johnson~~) *Johnston*)

February 8, 1995

An act to ~~add Section 22435.7 of~~ *amend Section 22435.1 of,*
and to add Section 22435.7 to, the Business and Professions
Code, relating to shopping carts.

LEGISLATIVE COUNSEL'S DIGEST

AB 317, as amended, Granlund. Local agencies: shopping
cart retrieval.

Existing law regulates the operation of businesses which
retrieve missing shopping carts, as specified, but does not
regulate the provision of similar services by a city, county, or
city and county.

This bill would authorize a city, county, or city and county to impound certain shopping carts, as specified, and would declare the intent of the Legislature that this regulation constitutes a matter of statewide concern that shall be governed solely by these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 22435.1 of the Business and*
2 *Professions Code is amended to read:*

3 22435.1. The provisions of Section 22435.2 shall apply
4 when a shopping cart or a laundry cart has a sign
5 permanently affixed to it that identifies the owner of the
6 cart or the retailer, or both; notifies the public of the
7 procedure to be utilized for authorized removal of the
8 cart from the premises; notifies the public that the
9 unauthorized removal of the cart from the premises or
10 parking area of the retail establishment, or the
11 unauthorized possession of the cart, is a violation of state
12 law; and lists a *valid* telephone number or address for
13 returning the cart removed from the premises or parking
14 area to the owner or retailer.

15 SEC. 2. Section 22435.7 is added to the Business and
16 Professions Code, to read:

17 22435.7. (a) The Legislature hereby finds that the
18 retrieval by local government agencies of shopping carts
19 specified in this section is in need of uniform statewide
20 regulation and ~~this~~ constitutes a matter of statewide
21 concern that shall be governed solely by this section.

22 (b) A shopping cart that has a sign affixed to it in
23 accordance with Section 22435.1 may be impounded by
24 a city, county, or city and county, provided both of the
25 following conditions have been satisfied:

26 (1) The shopping cart is located outside the premises
27 or parking area of a retail establishment. The parking area
28 of a retail establishment located in a multistore complex
29 or shopping center shall include the entire parking area
30 used by the complex or center.

1 (2) The shopping cart is not retrieved within three
2 business days from the date the owner of the shopping
3 cart, or his or her agent, receives actual notice from the
4 city, county, or city and county of the shopping cart's
5 discovery and location.

6 (c) In instances where the location of a shopping cart
7 will impede emergency services, a city, county, or city
8 and county is authorized to immediately retrieve the
9 shopping cart from public or private property.

10 (d) Any city, county, or city and county that impounds
11 a shopping cart under the authority provided in
12 subdivisions (b) and (c) is authorized to recover its actual
13 costs for providing this service.

14 (e) Any shopping cart that is impounded by a city,
15 county, or city and county pursuant to subdivisions (b)
16 and (c) shall be held at a location that is both:

17 (1) Reasonably convenient to the owner of the
18 shopping cart.

19 (2) Open for business at least six hours of each business
20 day.

21 (f) A city, county, or city and county may fine the
22 owner of a shopping cart in an amount not to exceed fifty
23 dollars (\$50) for each occurrence in excess of three
24 during a specified six-month period for failure to retrieve
25 shopping carts in accordance with this section. An
26 occurrence includes all shopping carts impounded in
27 accordance with this section in a one-day period.

28 (g) Any shopping cart not reclaimed from the city,
29 county, or city and county within 30 days of receipt of a
30 notice of violation by the owner of the shopping cart may
31 be sold or otherwise disposed of by the entity in possession
32 of the shopping cart.

33 (h) This section shall not invalidate any contract
34 entered into prior to June 30, 1996, between a city, county,
35 or city and county and a person or business entity for the
36 purpose of retrieving or impounding shopping carts.